

## HOUSE BILL NO. 386.

Executive Office,  
State of Texas.

Austin, April 1, 1911.

To The Secretary of State:

I am handing you herewith for file in the office of Secretary of State, as provided by Section 14 of Article 4 of the State Constitution, House bill No. 386, same being:

"An Act to provide for the exemption of Hunt county from the provisions of the County Auditor's Act, being Chapter 161 of the Acts of the Twenty-ninth Legislature and amended by Chapter 168 of the Acts of the Thirtieth Legislature, and providing for the submission hereof to a vote of the qualified voters of said county."

Said bill is objected to and disapproved for the following reasons:

Chapter 161, Acts of the Twenty-ninth Legislature, as amended by Chapter 168, Acts of the Thirtieth Legislature creating the office of county auditor in all counties in the State having a population of forty thousand inhabitants or over, according to the last United States census, and the last United States census shows that Hunt county had over forty thousand inhabitants.

The Constitution of the State with respect to certain matters establishes the right of local option and confers upon the people of each county the right to adopt upon themselves the provisions of certain general statutes, but the provisions of the Constitution does not include a statute like that which is sought to be amended by House bill 386 so as to exempt Hunt county from its provisions.

Section 56 of Article 3 of the State Constitution provides that the Legislature shall not, except as otherwise provided in the Constitution, pass any local or special law "creating offices or prescribe the powers and duties of officers in counties, cities, towns, election or school districts."

I have not found any provision in the Constitution which justifies me in approving a bill with the provisions contained in House bill 386, which exempts Hunt county from a general law which creates the office

of county auditor for all counties in the State having a population over forty thousand inhabitants.

If the bill could be construed into a local law, then Section 57 of Article 3, of the Constitution, would apply to this bill. Said section provides that no local law or special law shall be passed unless notice of intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, and it is provided that the notice shall state the substance of the contemplated law. If it is contended that House bill 386 is such a local law as the Constitution provides that the Legislature may pass, then due publicity of the same should have been made as required by Section 57 of Article 3 of the State Constitution.

It is to be regretted that the Constitution does not authorize the enactment of exemptions like that contained in House bill 386. I regret the necessity of vetoing this bill, and know the inclination of some to ridicule the Constitution where it is in conflict with their wishes and their conveniences, but I must adhere to the Constitution as a safe guide and a proper limitation upon legislative and executive authority.

Yours truly,  
O. B. COLQUITT,  
Governor.